IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1164 OF 2005

Smt.Radhabai Krushnasa Pawar & Ors. .. Appellants.

Versus

Municipal Corporation of City

of Pune & Anr. .. Respondents.

Mr.S.R.Page for appellants.

Mr.R.M.Pethe i/b.R.G.Ketkar for respondent Nos.1 and 2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19TH JULY, 2007.

P.C.:

1. Mr.Page after taking instructions from the appellant No.5, who is personally present in Court makes a statement that the appellant-original plaintiff desire to approach the respondents with a request to regularise the structure which has been, according to them, in existence for a considerable period of time. To enable them to do so, they seek leave to withdraw this appeal with liberty

to approach the Corporation with a request to regularise the subject structure.

2. At the request of Mr.Page, the Second Appeal is allowed to be withdrawn and dismissed as such. However, dismissal of this second appeal as withdrawn shall not prevent the appellants from approaching the Corporation with a request as above and such request, if made, shall be considered by the Corporation on merits and in accordance with law.

3. Mr.Page states that the appellant is approaching the Corporation with a request for regularisation of the structure afresh within a period of three weeks from today. Mr.Page on instructions states that the appellants would alongwith their application also produce the necessary No Objection / Consent certificates of other owners / co-owners of the subject property.

4. If the application is made as above and accompanied also with the No Objection / Consent certificates, the Corporation to consider the same and communicate its orders thereon within a period of eight weeks from the date of receipt of the said application.

5. The subject structure has not been demolished, according to Mr.Pethe and he further states that the same will not be demolished for a period of 12 weeks from today.

6. Needless to state that the Corporation need not wait for 12 weeks to initiate action for demolition, if it does not receive any application for regularisation of the subject structure from the appellants within the time stipulated above.

(S.C.Dharmadhikari, J.)